FOR MYSORE STATE

(195) Department

SERIES.

C No 92046 M/64

G.O. No.

Dated

[Despatch Abstract.]

Copy of letter No.92846, from the Office of the Superintending Engineer, Hirakudd Dam Circle, Post Burla, Via Sambalpur (Orissa).
To the Secry. to Govt., P.W.D., Madras-9.

Sub: Establishment - Highways Department Unqualified draftsman - under payment arrears payment requested

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Ref- No.G.O.Ms.3357, P.W.D. dated 23-9-1954.

With reference to the orders contained in the G.O. cited, I submit the following for a kind consideration and early orders.

I was employed as a draftsman in the Highways department in the Ramanagthapuram Highways Division at Sivangaga during the period from 21-6-1950 A.N. to 16-7-1951 A.N. (Please refer to No.837/A1-49 dt.31-5-50 and 7-8-1950 of the Superintending Engineer, Highways Tiruchirapalli) I am a failed sudent of Annamalai University and my pay was regulated at Rs.50/- P.M. during the period 21-6-1950 A.N. to 7-12-1950 with eference to orders contained in Govt. P.W.D. Memo.No.5174 M dated 3-6-1949

Now that Government have held in the G.O. cited that such under payment as irregular with reference to Rule 10(b) of General Rules for State and submordinate services which prescribes the payment of the minimum of the time scale of pay of the post held by the subordinate, I am entitled for the refund of the arrars d?e to under payment for the period from 21-6-1950 A.N. to 7-12-1950 which may kin ly be ordered to be paid to me at an early date.

Copy of Memo.No.92046 M/54-1, dated 1-12-1954, from the P.W.D., Fort St. George Madras., 9. to the Chief Engineer (Highways).

Su: Establishment - Highways Department - Sri V. Rajagopalan, Ex. Draftsman - Claim for arrear ~~pay~~ of pay.

Ref: From Sri V. Rajagopalan petition dated 27-11-1954. (Copy sent to the C.E.(H)).

The attention of the C.E.(H) is invited to the petition cited and he is requested to offer his remarks in the matter.

/True copy/

Copy of Memo.No. 92046 M/54-2 dt.7-12-1954. (P.W.D.M2.).

Sub: Establishment Highways Department - Sri M.S.Ramaswami Ex- Draftsman - Ramanathapuram Division - Claim for arrears of pay.

Ref: From Sri M.S. Ramaswamy petition dated 4-12-1954.

The attention of the C.E.(H) is invited to the petition cited, a copy of which has been submitted to him by the petitioner and he is reques to offer his remarks on it. His attention is in this connection invited to Govt. Memo.No.92046 M/54-1 P.W. dated 1-12-1954.

Copy of ~~Xxxx~~ letter No.94152, dated from the Senior Draftsman, Earth Dam Division, P.O. Hirakud, (Via) Sambalpur, Orissa, to the Secretary to Govt. Public Works Department, Madras.

Sub; Establishment - Highways Department unqualified - Draftsman - under payment - arrear payment requested.

Ref: G.O.Ms.No.3357 P.W.D. dated 23-9-1954.

With reference to orders contained in the G.O. cited above I submit the following for a kind consideration and early orders.

I was employed as a draftsman III Grade in Highways Departmer in the Ramandd Distt: at Sivanganga during the peirof 1.6.1951 any my pay was held at Rs.60/- P.M. from 1-6-1949. Now that the Govt. has held, in the G.O. cited above, that such under payment as irregular with reference to rule 10(f) of General rules for State and subordinate services which prescribes the minimum of the time scale of pay of the pc held by the subordinate and so I am entitled for the refund of arrears d to the under payment for the epriod from 1.6.1949 to the date when may pay was raised to the minimum, which may kindly be ordered to be refunde to me at an earlydate. Thanking your honour in antinipation.

/True copy/

Copy of letter No.50427 F2/54-7 dateed 12tg April 1955, fr the Chief Engineer (Highways) Department Chepauk, Madras, to the Secry. Govt. P.W.D., Fort St., Geogrge, Madras. 9.

Sub: Establishment - Highways Department - Sri V. Rajagopal and Sri M.S. Ramaswamy - Ex. D raftsmen Ramanathapura Division - Claim for arrerars of pay.

Ref:Government Memorandum No.92046 M/54-4 dated 11-3-1855.

Government ordered in Memorandum No.3646 M/49-6 dated 11-4-995 the pay of unqualified persons employed as temporary draftsmen with reference to Government Memo.No.5174 M/48-51 dated 3-6-1949 should be fixed at Rs.60/-P.M. and the pay of the unqualified persons employed a temporary draftsmen with reference to Goverhment Memorandum No.2331 M/ dated 26-9-1949 should be fixed at Rs.50/- P.M. Subsequently, Governme ordered in G.O.No.4523 dated 8-12-1950 that unqualified persons appoin temporarily as draftsmen, overseers and surveyors in the Highways Depa be allowed the minimum of the time scale of pay of the posts, i.e., Rs P.M. in the Scale of Rs.70-2-90-120. This was given effect to from th date of order viz. 8-12-1950 only.

Government again held in G.O.Ms.No.2357 P.W. dt.23-9-1954 that fixation of pay at a reduced rate as was done in the Government orders referred to in para (1) above was not correct and it was aginst the specirit of rule 19(b) of the General rules and accordingly ratified ments made to six draftsmen during the period from 3-6-1949 to 8-12-19 and also ordered refund of recoveries of overpayments already recofere from them.

Since Government are of the view thzt unqualified draftsmen are entitled to draw the minimum of the time scale of pay, i.e., 70/- P.M. for the reason that it was against the speirit of rule 10(b) of the Ge rules, the request of Sri V. Rajagopalan and Sri M.S.Ramaswamy to fix their pay at Rs.70/- P.M. and pay them the arrears is reasonable. In connection I enclose a representation received from Sri S. Mani, Draf man, Chingleput D ivision requesting refund of recofery effedcted from Him during the rperiod from 10-8-1948 to 7-12-50. The Superintending Engineer (Highways) Tiruchirapalli has so reported that there are simi casesad the drtails are being gathered. I have to add that any orders issue in respect of Sri V.Rajagopalan and Sri M.S.Ramaswamy may have t be applied equally t o thoseof others also.

The Suprintending Engineer (Highways) Madras has also requested for instructions as to whether the recovery ordered already in respect two other draftsmen, Sri S.D.Shahabudhin andSri S. Balasubramanian nee effecged, in view of the Government order m.No.3357 P.W. dt.23-8-1954, as their cases are also similar. I am asking the Suerpintending Engir (Highways) Madras, to report, in detail, the total amount ordered to be recovered, the amount so far recovered, etc. and furher report will b sent to Government in due course.

In the circumstances, I requestthat Government may be pleased to order the fixationof pay of the draftsmen who were drawing a reduced rate of pay before 6-12-1950 and to pay the arrears due to them in general.

Early orders of Government are solicited.

Copy of Letter No.8151-54/30658- dated 17th November 1954, from the ~~Rkkk~~ Draftsman III Grade, Divisional Engineer's Office, Chingleput (H) Division, Saidapet, Madras-15., to the Secry to Govt. P. Madras.9.

Sub: Establishment - Highways Department - Draftsman - Sri S. Arreare of pay - orders.

Ref: G.O.No.3357 P.W.D. dated 23-9-1954.

Adverting to the above, I submit as follows:-

I have been working in this Department as Draftsman & Overseer respectively as detailed below:

From 10-8-19548 to 28-10-48.	Draftsman Salem Division.
From 29-10-48 to 10-2-1958.	Draftsman Vellore Division.
From 11-2-1949 to 16-9-1949	Overseer Chittoor Division
From 17-9-1949 to 1958xxxx 8-12-1950.	Overseer Chingleput Division

With reference to Circular Memo.No.809/H/48-57 dated 2-11-19 my pay was affected and my initial pay as Draftsman and Overseer was fi at Rs.60/- p.m. in vie of the fact that did not qualify my self in the M.I.R.C. Overseer Course of the Annamalai University and a sum of Rs.3 was recofered from my pay being the over.cayment drawn by me for the p from 10-8-1958 to 31-10-1948 vide L.Dis.15907-50-EC dated 8-12-1950 of Divisional Engineer, Highways, Chingleput Division. From 11-2-1949 on I was working as Overseer in Chittoor and Chingleput Divisions during which period als. my initial pay was fixed as Rs.60/- p.m. till 8-12-50 i.e. the date of issue of G.O.4523 P.W.D. dated 8-12-1950 wherein paymen at Rs.70/- p.m. was agianordereddbyGGovernment.

In view of the order contzined in G.O.3357 P.WD. dated 23-9 directing the fixation of initial pay of subordinates appointed on a purely temporary basis in the minimum of the time scale of pay of the of the postsheld by them with reference to rule 10(b) of the General Rules for State and Subordinate Services. I request thatthe differenc of pay (Rs.70-60) - Rs.10/- p.m. due to me forthe period from 10-8-19 to 7-13-1950 may kindly be ordered to persons for whom Government were ple.sed to refund the recovery and payment of difference in pay.

Advance copy submitted to the Secretaty to Govt. Public Works Departm Fort St. George, Madras for information to save delay.

No.DW.15624/54 E-2 dated 11-54-

Sub mitted to the Superintending Engineer (H) Madras for consideration.

.50427 F2/54-9, dated 14th June, 1955, from the Chief Engineer (Highways), Chepauk, Madras.5. To the Secretary toGovt. P.W.D. Madras-9.

Sub: Establishment - Highways Department - Sri V.Rajagopal and Sri M.S.Ramaswamy Ex-draftsmen, Ramanathapuram Division - Claim for arrears of pay.

Ref: This Office No.50427 F2/54-7 dated 12-4-1956.

In continuation of para (4) of this office letter cited, I report as follws:-

A sum of Rs.181-9-0 has been ew paid to Sri S.C.Shahabudeen Draftsmen for the peirdffrom 3-6-1949 to 7-12-50 and the recovery has not yet been effected from the draftsman.

It is reported that Sri S. Balasubramanyam, Draftsman was acting as II Grade Draftsman during the period from March 1949 to December 50 and he was paid at the rate of Rs.120/- o.m. from 3-6-49 to 7-12-50. Hence it is presumed that no recovery or refund would be necessary in this case.

I request that early orders may please be issued with reference to paras 3 and 5 of this office letter cited.

/True copy/

... Memo.No.92406, H/54-9, dated 22-7-1955, from the Asst. Secry., to Govt, P.W.D., Madras-9., to the Chief Engineer (Highways) Madras.

Sub: Establishment - Highways FDepartment Sri V.Rajagopalan and Sri M.S.Rameswamy - Ex.Draftsmen - Ramnathapuram Division - Claim for arrears of pay.

Ref: From the C.E.(H) No.50427 F2/54-7 dated 12-7-1955.

In his letter cited the C.E.(H) has recommended that the Government may order the refixation of pay of all draftsmen, who were drawing a reduced rate of pay before 8-12-1950, and pay the arrears due to them. The C.E.(H) is requested to report the financial effect of his proposal, i.e., what amount will have to be paid as arrears, if the pay of all the draftsmen is refixed as recommended by him.

/True copy/

Copy of letter No.50427-F2/54-20 dated 11-6-1956 from the Chief Engineer (Highways), Chepauk, Madras.5, to the Secry.to Govt., P.W.D., Madras-9.

Sub: Establishment - Highways Department - V. Rajagopalan and Mr. M.S.Ramaswami - ex-draftsman - Ramanathapuram division claims for arrears of pay.

Ref: Government Memo.No.92406-H/54-9 P.W. dated 22-8-1955 and -do- -do- -13 dated 9-4-1956.

An amount of Rs.8577-14-0 will have to be paid as arrears of pay and allowances if they pay of all the draftsmen who were paid less than the minimum pay is refixed as recommended in my letter No.50427-F2/54-7, dated 12-4-1955.

/True copy/

F.H.(R2.)

Memo.No.92406 H/54-18 dated 26-9-1956.

Establishment - Highways Department Sri V.Rajagopalan and Sri M.S.Ramaswamy, Ex-draftsman, Ramanathapuram Division-Claim for arrears of pay.

Ref: From the Chief Engineer (Highways) Lr.No.50427 F2/54-20 dated 11-6-1956.

In his letter cited the Chief Engineer (Highways) has stated that an amount of Rs.8577-14-0 will have to be paid as arrears of p allowances, if the pay of all the draftsmen who were paid less than minimum pay is refixed as recommended by him.

2. It is now observed that if arrears are allowed refunds als will have to be made to those persons in whose cases overpayments were made prior to 8-12-50 and recovered subsequently. The Chief Engineer (Highways) is requested to report the number of persons affected the Highways Department and the amounts involved, if such funds are made.

3. The Chief Engineer (Highways) is requested to stop furter recoveries immediately in those cases where recoveries have since t made, pending issue of final orders in the matter.

/True copy/

P.W.D.(H.2).

blishment - Highways Department - Sri V.Rajagopalan and Sri M.S. swami - Ex-Draftsmen, Ramanathapuram Division - Claim for arrears of pay.

Ref: From Sri Rajagopalan, petition dated 27-11-1954
From the Sri Ramaswami, petition dated 4-12-1954.
From the Chief Engineer (Highways) No.50427-F2/54-7, dated 12&5 4-1955.

The representations from Sri V.Rajago palan and Sri M.S.Ramaswami on pp. 1 and 5 c.f. and the Chief Engineers' letter on pp.29-30 c.f. may ne perused.

2. The peititioners were first appoin ted as Draftsmen in the Ramanathapura, Highways Division under the emergency provisions of the rules and their pay was fixed at Rs.50/- and Rs.60/- respectively according to the orders then in force, as they were not fully qualified tohold the post of Draftsmen. In G.O.Ms.No.4523 P.Ws. dated 8-12-50, Govt. issued orders that unqualified persons appointed temporarily as Draftsmen, Overseers and Surveyors in the Highways Department be allowed the minimum of the time scale of pay of thepost, viz., Rs.70-2-90-3-120 and that the above orders would take effect only from the date of issue of orders. The Government also ratified the payment to one Sri C.Janakeiraman, and unqualified draftsman III Grade, at the rate of Rs.70/- per mensem during the period from 3-6-1949 to 8-12-1950.

3. The Chief Engineer (Highways) stated that certain other unqualifie emergency draftsmen also had already been paid Rs.70/- p.m. and that recovery of overpayments made from such unqualified Draftsmen, who were not fully qualified, caused hardship to the individuals and requested that such overpayments might be treated as special and recovery waived. In G.O.Ms.No.3357 P.Ws dated 23-9-1954, Govt. issued orders ratifying the payment at Rs.70/- per mensem to about six unqualified Draftsmen and ordered that the amount of overpayments recovered be refunded to them.

4. In view of the qbove orders, Sri Rajagopalan and Sri Ramaswami have requested Government to fix their pay at Rs.70/- per mensem the minimum bfothe time scale of pay of the post, and to pay them arrears for the perio (they worked in the Ramanathapuram Highways Division) from 21-6-1950 to 7-12-50 and 1-6-49 to 7-12-50 respectively.

5. The Chief Engineer (Highways) has stated that request of the peititoners to fix their pay at Rs.70/- per mensem and pay them arrears is reason ble. He has added that the orders to be issued in respect of these persons willhave to be applied to others also. He has in this connection forwarded a representation from one Sri S.Mani, Draftsman, Chingleput Division, requesting refund of the amount recovered and payment of differenc in pay due to him during 10/8/48 to 7/12/50. It stated by the Chief Enginee that the Superintending Engineer (Highways)m Tiruchirapalli has also reporte hat there are simil r cases and the details are being gathered, and that the Superintending Engineer (Highways), Madras, has also enquired whether the recovery ordered already in the case of Sri Balasubramaniam and Shahabuddin need be effected in view of the orders in G.O.Ms.No.3357 P.Ws dated 23-9-54. He has stated that further report will be submitted in detai showing the total amount ordered to be recovered, the total amount so far recovered etc. in respect of Sri Balasubramaniam and Shahabuddin.

The Chief Engineer (Highways) has however, requested that general orde may be issued refixing the pay of the Draftsmen who were drawing reduced rate before 8-12-50 and to pay the arrears due to them.

As the principle of payment of the minimum of the time scale of pay to unqualified emergency draftsmen has already been accepted in G.O.No.Ms.3357 P.Ws dt.23-9-54, it seems that there is no objection to issue General orders as proposed by the Chief Engineer (Highways). It does not appear necessary

to wait for the further particulars promised by the Chief Ebgineer (Highways) .

Finance and Public (Services) may see.

P.W.D.Note.92066 M/54-7 dt.3-6-1955.

Finance (E.II

Notes from page 1. above may be perused.

In G.O.14523 P.W., dated 8-12-1950, Govt. issued orders that unqua persons appointed temporarily as Draftsmen, Overseers and Surveyors i Highways Department be allowed the minimum of the time scale of pay o post viz. 70-2-90-3-120 and that the above orders should take effect from the date of issue of orders. InG.O.3357 P.W. dated 23-9-1954, t Govt. also ratified the payment to 6 unqualified draftsmen at Rs.70 fo prriod from 3-6-1949 to 8-12-50.

Now the C.E.(H) has requested general orders to efix the pay of unqualified draftsmen who were drawing a reduced rate of pay before 8 -12-50 at Rs.70, the minimum of the time scale and to allow them the arrears due. P.W. see no objection to accept the C.E's proposal.

In G.O.3357 P.W. dated 23-9-54 and Memo.No.98079 H/54-2 P.W., da 10-1-1955 the Govt. ratified the overpayments made to cerain, unqual draftsmen and also ordered refund of the amounnts which were recovere from them. This was done by the Government in view of the hardship, recovery of the excees payment might enthil in the case of these low subordinates. They were not responsible for these overpayments, and drew and spent the amount given to them in good faith. It will thus seen that there was some justification in the Govt's ratification of excess payment in their case. The present proposal of the C.E. to re pay of all such unqualified men at Rs.70/- even pirior to the date, 8 nnd paying all of them arrears in a lump sum consequent on such refix is quite difference where the justification pointedout at 'A' above w not exist. The intention of t e Govt. in issuing the orders in G.O.4 dt.8-12-50 was that the benefit of the higher pay of Rs.70 should be available to these men only from the date of issue of orders. Financ therefore suggest that there is no justification to amend theseorders This Deptt. may, hooweger,agree to the refund of recoveries if alrea effected from these persons and to the stoppage of recoveries of such paymentd also, in view of the orders in G.O.3357 P.W. dated 23-9-1954

After orders are passed, the file may be passed on to Pub(Ser

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Public (Ser.) Departmen

Notes from page 1 ante may be perused. 'M' above may be concur in this department and the file returned to P.W.D.

Fin.N.O.35751 E.II

P.W.D.(M2).

Please see the notes of Finance and Public (Services) on pp 3- ante.

2. Finance Department do not agree to the proposal of this Depa issue general orders refixing the pay of the draftsmen who were drawi reduced rate of pay before 8-12-50 and to pay the arrears due to them They however agree to the refund of recoferies if already effected fr these persons and to the stoppage of recoveries of such overpayments in view of the orcers in G.O.3357 P.W. dated 23-9-1954. The Finance Department have given the following reasons in support of their view 'A' above:-

dated 23-9-1954 and Memo.No.98079-H/54-2, P.W., dated 10-1-1955 (ratifyi the ~~showing~~ overpayments made to certain unqualified draftsmen and direc refund of the amounts which were recovered from them) were issued by the Government in view of the hardship, the recovery of the excess payment w entail in the case of these low paid subordinates; and

(ii) The intention of the Government in issuing the orders in G.O.No.4523 P.W., dated 8-12-1950 was that the benefit of the highwerpay of Rs.70/- should be made available to these men only from the date of i of orders and there is no justification to amend these orders.

3. Item (i) para 1 above:- The statement of Finance is not corr The orders ratifying the overpayments etc. were issued not because the recovery would cause hardship to the subordinates but because it was hel that the draftsmen were entitled, under the rules, to draw Rs.70/- p.m. and that the recovery previously ordered was illegal and inequitalbe - please see paras 2-6- of the ;revious D.S's note at pp 11-15 N.F. of G.O.N o.3357 dated 23-9-1954. Having heldl that the draftsmen were entit under the rules, to raw Rs.70/- p.m. and having ordered that those who already the excess, it is only reasonable that those who were paid less Rs.70/- p.m. are now paid the difference in pay due to them.

Item (ii) in para 2 on page 5 ante:- It" is true that the orig intention was that the orders in G.O.No.4523 P.W., dated 8-12-1950 shou not be fiven retorspective effect and that it was laid down inthe G.O. that the orders would take effect from the date of their issue. but it has subsequently been held that these orders have created c nfusion and anomalies - please see 'R' on p.12 N.F. of G.O.No.3357 P.W. dt.23-9- and para 4 on pp 13-14 N.F. ibid.In fact, the orders in the G.O. dated 23-9-54 are in the nature of a modification to the G.O. dated 8-12-50. Therefore there seems to be no point now in adhering to the intention in the earlier G.O.

4. In the circumstances, this Department may perhaps press the proposal at 'A' on p. 2 ante. Finance and Public (Services) may see ag befcre circulation. Perhaps, Law may also see th- and advise whether i will not be illegal to deny the balance of pay due, under the rules, to draftsmen, who drew less than Rs.70/-

5. The file may be sent to Law, Finance and Public (Services) fo remarks.

P.W.D.H U.O.No.92046 H/54-8

/True copy/

LAW DEPARTMENT.

The question raised in this file is not capable of an easy solutio and it has been made more difficult by reason of various orders passed from time to time in individual cases. At the time of the issue of G. 4523 ~~GRSx~~ P.W.D., dt.8-12-50, the position was that unqualified person appointed temporarily as draughtsmen in the Highways Department were being paid Rs.60/- p.m. in some cases and Rs.70/- p.m. in others. The practice in the P.W. Branch on the other hand was that all temporary candidates were started on Rs.70/- p.m. This anomalous position was sou to be set right in the G.O. referred to above, and the orders in that G.O. were rightly given effect to from the date of issue. An exception however, made in the case of Sri. Janakiraman and the payments already made to him at the rate of Rs.70/- was ratified. Subsequently, in G.O.No.3357, dt.23-9-54. the payment at the rate of Rs.70/- p.m. to som other candidates prior to the issue of the G.O. dt.8-12-50 was also rati

and the amount of overpayments already recovered insome cases were directed to be refunded. The question whether there were other similar cas s dalling for action does not appear to have been raised by the Chief Engineer or considered by the Government at the time of issuing orders in the two G.O.s.

On way of dealing with this question is allow matters to stand where they are.& This will, however, entail discri inationamong the various candidates. All of them were unqualified and all of them were appointed as temporary draughtsmen but some were paid at the rat of Rs.60 p,m. whicle others were paid at the rate of Rs.70/. It seems obviously unfair that some of the candidates should be allowed to suffer for no fau of theirs. At the same time, if the entire position is to be set right, may involve payment of difference of pay to a number of candidetes. Ther is no information in the file as to what the financial effect of such a proposal is likely to be. Perhaps, P.W.D. may obtain information on th point and examine this question further in the light of the above remarks

There is another aspect of this matter which is perhaps as well t notice here. There seems to be no question of any legal basis for the claim. In any case, as more than three years have elapsed since that dat it will not even be open to the candidates to claim the difference in pay through a Court of Law.

Law U.O.No.8354/55-1./6/7/55.

a(Pre. Finance note on pp. 3-4 above) Further notes from p. 5 above may be perused.

2.'Y' on p. 6 above' of the unquzlified draftsmen were entit to Rs.70/- as stated by P.W. the C.E. or the P.W. themselves concerned have proposed issued on orders on those lines even than in head of refunding the already reconcerned and thus ratifying thee owner payments in individual cases as noted by Law at X X onerleaf. the suggee that the unqualified persons appointed as Draftsman III Grade should be a the of the time scale with effect from the date of orders to be issued was made by P.W. themselves in Nov. 50 - See 'B' on p.2 nf of G.O. 4523 P.W, dated 8-12-50 at (B) dt. would therefore appear unnecessary at this distance of time to order the refixation of pay at the n even in those cases who drew reduced pay before 8-12-50 as had requested by C.E.(H) in para 5 of this letter on p.30 c.f. especially in view of 'A' on p. 8 above.

3. P.W. may however be requested to the proposal further with reference to 'Y' on p.8 above.

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Public (Ser.) Department.

(Last seen at P. 4 ante.)

The further notes of P.W.D., Law and Finance and p. 5 ante may be perused. The sugtestion at (Y' on p. 8 ante may be sup ported in this department also.

The file may be returned to P.W.D.

Publ.(Ser.A) U.O.No.3072/55-1./13-7-1955.

P.W.D.(H.2).

From the C.E.(H) No50427-F2/54-9 dated 14-6-1955.
From the Sri M.S.Ramaswamy letter dated 7-7-1955.

Law Department that info mation on the financial effect of the proposal may be obtained and the question examined further in the light of the remarks of Law in paragraph 2 on pp.7-8 ante. Theinformation may be obtained from the C.E.(H). A draft memo is submitted.

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Issued on Memo. No.[illegible]/6 M/54-9 dated 22-7-55.
From the Chief Engineer (Highways) Mr.No.50427-F2/54-20 dated 11-6-56).

....

The file relates to the proposal to refix the pay of the un qualified draftsmen of the Highways Department, who were drawing less than the minimum of the time scale and to pay the arrears due to them. The proposal arose out of a claim for arrears of pay from Sri V.Rajagopalan and Sri M.C.Ramaswami, draftsmen of Highways Department.

2. Sri Rajagopalan and Sri Ramaswami were first appointed as Draftsmen in the Ramanathapuram Highways Division under the new emergency provisions of the rules on their pay was fixed at Rs.50/- and 60/- respectively according to the orders then in force as they were not fully qualified to hold the post of Draftsmen. In G.O.Ms.No.1,527 Public Works dated 8-12-1950, Government issued orders that in relief to persons appointed temporarily as Draftsmen, Overseers and Surveyors in the Highways Department be allowed the minimum of the time scale of pay of the post and that the above orders would take effect only from 8-12-1950 the date of issue of orders. The Government also relief on the payment to one Sri C.Janakiraman, and un qualified draftsman Ist Grade at the rate of Rs.70/- per mensem during the period from 3-6-1949 to 8-12-1950. The Chief Engineer (Highways) subsequently stated that certain other unqualified emergency Draftsmen also had arrears to be paid Rs.70/- p.m. and that recovery of overpayments made from such unqualified Draftsmen, who were not fully qualified, caused hardship to the individuals and requested that such overpayments might be treated as special and recovery waived. In G.O.Ms.No.2,5[illegible] Public Works dated 23-9-1954, Government issued orders notifying the payment at Rs.70/- per mensem to about six unqualified Draftsmen and ordered that the amount of overpayments recovered be refunded to them.

3. In view of the above orders Sri Rajagopalan and Sri Ramaswami have requested Govt. to fix their pay at Rs.70/- p.m. and to pay the arrears for the period from 21-6-1950 to 7-12-1950 and 1-6-1949 to 7-12-1950 respectively.

The Chief Engineer has recommended the payment of arrears referred to above and has requested that general orders may be issued refixing the pay of the Draftsmen who were drawing reduced rate before 8-12-50 and allowing arrears to them. This Department agreed to the proposal. Finance however did not agree to it. Subsequently, the question whether the draftsmen in question were legally entitled for payment at the minimum of the time scale was examined. The opinion of Law at paras 7-8 ante may be perused. They suggested that the financial effect of this proposal might be ascertained and the question examined further. They also pointed out that as more that three years have elapsed since the date of payment it will not now be open to the candidates to claim the difference in pay through a Court of Law. Finance agreed to the proposal at 'B' above and they also stated that it would appear unnecessary at this distance of time to order the refixation of pay even in those cases who drew reduced pay before 8-12-1950.

4. The Chief Engineer was accordingly asked to report the financial effect of this proposal. He has stated that an amount of Rs.9577-14-0 will have to be paid as arrears of pay and allowances if the pay of all the draftsmen who were paid less than the minimum pay is now refixed.

... the heavy financial commitment involved, it is for consideration whether this Department need press the original proposal to refix the pay of all unqualified draftsmen who drew less than the minimum and to allow them arrears.

5. After orders are passed, the file may be sent to Finance and Public (Services) for remarks. Law may also see.

Though there is no legal claim at this distance of time, generally demands that their demand shall be sent.

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The trouble is that if the request is not conceded, it will amount to anomalous treatment of the same category but concerned in two different sets - viz - those covered by the two G.O.s at para 7 cf. (H) and -14 cf.(V) - To be consistent and to secure uniformity it seems desirable to grant the request raised in this file, which will cost Rs.8573/- to Government.

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P.W.D. Cl. (S.) Dept. F.

(Pre- Finance Note on pp 8-9 above)

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Please see the further note of P.W.D. from the middle of p.10 above.

Law have held that there is no legal basis in favour of the ex Madras draftsmen but P.W.D. consider that to secure uniformity and to be consistent, it is desirable to grant the request. The extra cost will be Rs.8,573. This Department have already advised against the proposal for the reasons set out in para 2 on pp.8-9 above and there is no justification to concede to the proposal. It may also be mentioned that generally the financial concessions are not given retrospective effect. In view of the above, it is for orders whether the proposal of P.W.D. will be agreed to.

The proposal in this file is to refix with effect from 3-6-49 the pay of unqualified draftsmen of the Highways Department at the minimum of the time scale of pay viz Rs. 70 p.m. instead of at earlier rate in force viz Rs.70 p.m. G.O.4523 P.W. dated 23-9-54 on the subject may be perused. To refix the pay of all other draftsmen in the Highways Departments from 3-6- 9, not by the 1954 G.O., will cost Government Rs.8578. It is not clear whether similar arrears will have to be paid in respect of overseers and ~~sub-~~ surveyors, of the Highways Department, who also are mentioned in the 2 orders. The full financial effect of the decision taken in 1954 should have been ascertained before G.O.s were issued in the terms of G.O.5357 P.W. dated 23.9.54. This was not done.

As the present proposal is only a logical extension of the decision contained in the 1954 G.O. from may agreed to it. But arrears need not be allowed . Consequent if any may be waived. H.C.F.&B) may see

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Please see the notes of Finance at pages 13-14 ante.

2. The proposal in this file is to refix the pay of the unqualified draftsmen of the Highways Department, who were drawing less than the minimum of the time scale prior to 8-1 - 950 (from which date they are being allowed the minimum of the time-scale) and to pay the arrears due to them. Attention is invited to the notes of this Department at pp.10-13 ante. The effect of the proposal will be as follows:-

... Those unqualified draftsmen, who drew less than the minimum prior to 8-12-1950, will have to be paid the balance;

(2) Those, in those cases overpayments made prior to 8-12-1950 were recovered, will have to be refunded the amount recovered;

and (3) Further recovery will have to be stopped in those cases, where recoveries have still to be made.

3. Finance may have agreed to the proposal of this Department on the ground that it is only a logical extension of the decision, contained in G.O.No. [illegible] 3557 P.W. dated 23-9-1954. However, they have stated at the bottom of page 14 ante that arrears need not be allowed and recovery of overpayments, if any, may be waived. Apparently, they agree to item (iii) in para 2 above, but no to items (i) and (ii) therein. As overpayments have already been ratified in many cases, there may be very few cases coming under item (ii) and [illegible] less under item (iii). The suggestion of Finance will not, therefore, complet solve the issue. The essential part of the proposal is to pay arrears to those who drew less than the minimum and if arrears are denied to them as advised by Finance, there may be further representations from the affected persons and the question will have to be re-considered again. Further, such a procedure may amount to discrimination among the various candidates.

In the circumstances, Finance may be requested to reconsider the matter and agree to the proposal of this Department.

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Finance (EI) Department.

(Previous Finance note on pages 13-14 above).

Further note of P.W. may be perused.

P. . page that the proposal referred to at "B" on page 15 above may be agreed to in Finance. They have given no fresh grounds for reconsideration of the view of this Department. Finance may therefore adhere to the view at the page 14 above.

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This is a concession in respect of which arrears will not be allowed ordinarily. If arrears are allowed, refunds also will have to be made to some persons. A report as to the number of persons effected and the amounts involved may be called for proposal (i i) on p.15 may be given effect to immediately.

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Please see the notes of Finance above. Subject to an [illegible] draft memo is submitted.

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